

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION,

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

State of Nevada v. Abbott Labs., Inc. et al.,
Case No. CV02-00260

State of Montana v. Abbott Labs., Inc., et al. D.
Mont. Cause No. CV-02-09-H-DWM

**DECLARATION OF JENIPHR BRECKENRIDGE
IN SUPPORT OF MONTANA'S AND NEVADA'S JOINDER IN PLAINTIFFS'
MOTION FOR SANCTIONS AND DEFAULT JUDGMENT AGAINST BAXTER
HEALTHCARE FOR OBFUSCATION OF DOCUMENTS AND DILATORY TACTICS**

I, Jeniphr Breckenridge, declare:

1. I am a partner of Hagens Berman Sobol Shapiro LLP, resident in its Seattle, Washington, office, and I am counsel for the States of Montana and Nevada (the "States") in the above-captioned matter. I have been involved in the discovery efforts on the part of the States in these cases and submit this declaration in support of Montana's and Nevada's Joinder in Plaintiffs' Motion for Sanctions and Default Judgment Against Baxter Healthcare for Obfuscation and Dilatory Tactics.

2. Attached hereto are true and correct copies of the following exhibits:

Ex. 1	Letter dated May 26, 2006 from Charles V. Mehler to Jeniphr Breckenridge
Ex. 2	Letter dated June 1, 2006 from Charles V. Mehler to Jeniphr Breckenridge

Ex. 3	Letter dated June 6, 2006 from Charles V. Mehler to Jeniphr Breckenridge
Ex. 4	Letter dated June 7, 2006 from Charles V. Mehler to Jeniphr Breckenridge
Ex. 5	Letter dated June 19, 2006 from Charles V. Mehler to Jeniphr Breckenridge
Ex. 6	Letter dated June 29, 2006 from Charles V. Mehler to Jeniphr Breckenridge
Ex. 7	Letter dated July 11, 2006 from Charles V. Mehler to Jeniphr Breckenridge

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Jeniphr Breckenridge
Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

July 21, 2006, Seattle, Washington
Date and Place of Execution

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **DECLARATION OF JENIPHR BRECKENRIDGE IN SUPPORT OF MONTANA'S AND NEVADA'S JOINDER IN PLAINTIFFS' MOTION FOR SANCTIONS AND DEFAULT JUDGMENT AGAINST BAXTER HEALTHCARE FOR OBFUSCATION OF DOCUMENTS AND DILATORY TACTICS**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 21, 2006, a copy to LexisNexis File & Serve for Posting and notification to all parties.

By /s/ Steve W. Berman
Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
(206) 623-7292

EXHIBIT 1

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 828-2822
E-Mail Address: DeLanceyM@dsmo.com

May 26, 2006

Via FedEx
Via E-Mail

Ms. Jeniphr A.E. Breckinridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Pursuant to Plaintiffs' Requests for Production of Documents, Defendant Baxter anticipates producing over 2,000,000 pages in the next week in TIFF format. In the interests of efficiency, we will also make additional electronic documents available for inspection through a web based on-line repository on June 1, 2006. In this repository, Plaintiffs can review electronic documents in their native format¹ and mark documents for Bates stamping and delivery in TIFF format. As opposed to a TIFF production, the repository will allow Plaintiffs to review electronic documents in native format, run full text searches, and search by custodian. The repository will contain files of employees that we have interviewed and determined would have responsive documents. The documents are being produced as they are kept in the usual course of business.

Within the repository, next to each electronic document, there will be an annotation window where Plaintiffs can request that a document be converted to TIFF format. Lextranet, Baxter's on-line vendor, will periodically sweep the system for documents designated for TIFF conversion and deliver the documents in TIFF format with Bates stamps to Plaintiffs. After a batch of documents are converted to TIFF format, Plaintiffs will have the ability to search the repository for those documents by the date they were converted to TIFF and by Bates number.

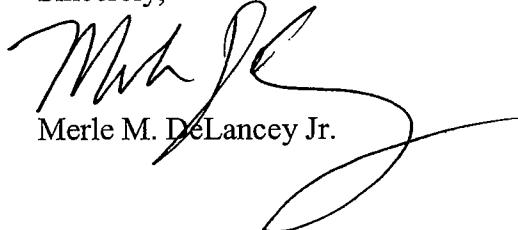
¹ Documents that require redactions will be uploaded to the on-line repository in TIFF form since native documents cannot be redacted. Plaintiffs will be able to search these TIFF documents by text field, custodian field, and production installment.

Ms. Jeniphr A.E. Breckinridge
May 26, 2006
Page 2

Baxter will pay the substantial loading fees associated with moving electronic documents from Baxter's internal systems to the on-line repository and creating the ability to search across documents both by custodian and by text. Plaintiffs will be obligated to pay Lextranet the cost of accessing the system, \$125 per month per user, and the cost associated with conversion from native format to Bates stamped TIFF images \$0.09 per page. All requested TIFFs will be text searchable.

By making documents available for inspection, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges.

Sincerely,



Merle M. DeLancey Jr.

MMD/sp

EXHIBIT 2

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 955-6674

E-Mail Address: MehlerC@dsmo.com

June 1, 2006

VIA OVERNIGHT MAIL (with Enclosures)
AND FACSIMILE (without Enclosures)

Ms. Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find two DVDs (BAX STATE 0000001 – BAX STATE 0109558) and three Hard Drives (BAX STATE E 0000001 – BAX STATE E 0284674; BAX STATE E 0284675 – BAX STATE E 0445745; and BAX STATE S 0000001 – BAX STATE S 0027599) containing Baxter's production of documents in the above-referenced Montana and Nevada actions, which are being provided to you pursuant to Baxter's rolling production in response to the Plaintiffs' discovery requests in these cases. A privilege log for today's production is forthcoming.

Baxter's production of documents to Montana and Nevada also includes and hereby incorporates the documents and data produced in the MDL class-action pending before Judge Saris. These materials, marked BAX MDL 0000001 through BAX MDL 0203478 and BAX MDL E 000001 through BAX MDL E 2962307, have already been provided to Elizabeth A. Fegan at your law firm in connection with the class-action. The cover letters summarizing and/or referencing these prior MDL productions are enclosed for your reference.

Included in the two DVDs and three Hard Drives being produced for the first time with this letter are the following:

(i) Documents from Lawrence Guiheen, Kyle Bush, Susan Davis, Bernadette Connolly, Lucy Cunningham, Michael Bradley, Juliana Reed, Leslie Nelson, Pamela Rosenburg, Peter O'Malley, Jay Rogers, Scott Hippensteel, Janet Raciti, Mary Schmidts, Greg Neier, Kevin O'Connor, Jeffrey Griffith, Peggy Wier, Allison Clifford, Michael



Ms. Jeniphr A.E. Breckenridge
June 1, 2006
Page 2

Ryan, Randy Smith, John Rothfus, Jamie Holmes, John Boggs, Hal Heit, Karen Andrews, Brendon Franz, Royal Stewart, Kevin Maxwell, Thomas W. Wallace, Rose Lorella, Ralph Yarbrough, Stephanie Polfus, Blake Tenbarge, Jeff Feirro, Ronald Peters, Leslie Hoffman, Mark Teevers, Alan Kirgan, Brenda Stewart, Jorja McEwen, Jeffery Nordquist, Craig Prather, Thomas Kessler, Jasmes Hrabovsky, Jacqueline Gladstone, Richard Hotzfeld, Martin Ramirez, Elizabeth Frontz, Carla Gordon, Colleen Madison, Fred Highsmith, Kerry Lum, Jason Mannos, Chad Fletcher, David Byrnes, Richard Shanahan, Jennifer Mumma, David Robinson, Lisa Haney, Jane Xia, Chris Lucas, Kathy Pawloski, James Fancher, Robert Munerance, Hal Mady, Holly Higgenbotham, Caryn Straub, Cindy Gustafson, Robert Hlinsky, Lesly Marban, Kathy Button, Becky Strauts, Curtis Barthelemy, Mary Feffer, Gail Gewirtz, Kenneth Wingham, Jodie Ehler, Amy Gear, and Raye Remback (BAX STATE 0000001 – BAX STATE 0109558);

(ii) State utilization reports, drug rebate invoices, state Medicaid rebate information and data, and Bilateral Medication Delivery Contracts (BAX STATE 0000001 – BAX STATE 0109558);

(iii) Documents from the following BioScience division sales representatives and other sales employees: Robert Adams, Clem J. Adkins, David Arnold, Patrick J. Wagner, and Thomas W. Wallace (BAX STATE E 0000001 – BAX STATE E 0028548);

(iv) Documents from the following Medication Delivery division sales representatives and other sales employees: Joseph G. Darling, Rose P. Lorella, Cecil R. Pence, and Kenneth Wingham (BAX STATE E 0000001 – BAX STATE E 0028548);

(v) Documents from Eryn M. Ballard, Corporate Services Finance and Accounting; Lawrence Guiheen, BioScience Executive; Scott Hippensteel, Medication Delivery Marketing; Valerie J. Stangoehr, BioScience Operations; Steven Lalich, Medical Affairs; and Cherie L. Yates, BioScience Operations (BAX STATE E 0000001 – BAX STATE E 0028548);

(vi) Documents from the following BioScience division sales representatives and other sales employees: Jeffrey Beck, Stuart Hegseth, Michael Ryan, Mark Saylor, David Schneider, Elizabeth Sieverts, Stanley Singley, Donald Sivinski, Randy Smith, Lisa Stubbs, David Tetto, and Sarah Weddige (BAX STATE E 0028549 – BAX STATE E 0149528);

(viii) Documents from the following Medication Delivery division sales representatives and other sales employees: Carol Amyx, Sandra Bauco, Kathie Duffy,

Ms. Jeniphr A.E. Breckenridge
June 1, 2006
Page 3

Christene Ebert, Stephen Martz, Ronald Peters, David Robinson, David Schoff, Richard Shanahan, Donna Smith, Catherine Somerville, Brenda Stewart, Caryn Straub, David Thomas, and Lisa Trowbridge (BAX STATE E 0028549 – BAX STATE E 0149528);

(ix) Documents from Abby Agnew, BioScience Operations; Elaine Antonopoulos, BioScience Finance and Accounting; Jennifer Rogers, BioScience Finance and Accounting; Nancy Siedlecki, Medication Delivery Consultant; Lori A. Sledzik, Medication Delivery Marketing; Shwenia Tillis, BioScience Operation; Kyle Bush, BioScience Marketing; Patricio Aycinena, BioScience Finance and Accounting; and Neil Shah Corporate Service Finance and Accounting (BAX STATE E 0028549 – BAX STATE E 0149528);

(x) Documents from the following BioScience division sales representatives and other sales employees: David Byrnes, John Rothfuss, Rosalee Satterthwaite, Peggy Wier, Ralph Yarbrough, and Leo Zalaznik (BAX STATE E 0149529 – BAX STATE E 0284674);

(xi) Documents from the following Medication Delivery division sales representatives and other sales employees: Curtis Barthelemy, Marie Borselle, Michael Downey, Stacy Levesque, Evan Levick, Yolanda Sarpy, David Schoff, Mark Tewers, Christine Vogel, Jodie Wagner-Hammock, Alicca Ward, and Danette Williamson (BAX STATE E 0149529 – BAX STATE E 0284674);

(xii) Documents from Stephen Andera, BioScience Finance and Accounting; Tracy Anderson, BioScience Operations; Kyle Bush, BioScience Marketing; Bernadette Connolly, BioScience Marketing; Yalda Saalabi, BioScience Marketing; John Shannon, BioScience Marketing; Sheley Shaw, BioScience Marketing; Joan Spilis, Medication Delivery Marketing; and Henry Yoo, BioScience Finance and Accounting (BAX STATE E 0149529 – BAX STATE E 0284674);

(xiii) Documents from the following BioScience division sales representatives and other sales employees: Karen Andrews, John Boggs, Casey Brunning, Laura Connolly, Chad Fletcher, Amy Gear, Lisa Haney, Mark Heidersbach, Hal Heit, Michael Kail, Edward Langan, James Pepio, Brian Sturgill, Craig Tillery, Robert Vaccino, and David Weikel (BAX STATE E 0284675 – BAX STATE E 0445745);

(xiv) Documents from the following Medication Delivery division sales representatives and other sales employees: Melissa Ansell, Nathan Cordero, Cynthia

Ms. Jeniphr A.E. Breckenridge
June 1, 2006
Page 4

Gustafson, Barbara Johnson-Duffie, Casey Listman, Martin Ramirez, and Danette Williamson (BAX STATE E 0284675 – BAX STATE E 0445745);

(xv) Documents from Dana Borysiewicz, BioScience Operations; Jennifer Dahlgren, BioScience Finance and Accounting; Thomas Dinolfo, Jr., Corporate Services Finance and Accounting; Nancy Fortunato, Medication Delivery Marketing; James Hauert, BioScience Marketing; Christopher Jackson, BioScience Finance and Accounting; Michelle Kern, Global Legal; Peter Moon, BioScience Marketing; Karen Rodriguez, BioScience Operations; Joan Spilis, Medication Delivery Marketing; Matthew Verden, Medication Delivery Marketing; and Kathryn Zorc, Medication Delivery Marketing (BAX STATE E 0284675 – BAX STATE E 0445745);

(xvi) Documents from Cecile Hogan, Medication Delivery Sales; Cheryl Hoo Chung, Global Finance; Christine Hoglund, Medication Delivery Sales; Cindy Obernauf, Medication Delivery Sales; Dave Cerquone, Medication Delivery Operations; Harry Jablonski, Medication Delivery Clinical Communications; Jelena Popadic, BioScience Marketing; Jill Groves, Medication Delivery Sales; James Galante, BioScience Sales; Jorja McEwen, Medication Delivery Sales; Joshua Phan, Medication Delivery Marketing ; Judith Lynn Carnes, Medication Delivery Sales; Kathie Duffy, Medication Delivery Marketing; Katie Kozlowski, Medication Delivery Sales; Kelly Bynum, Medication Delivery Sales; Kimberly Casey, Medication Delivery Sales; Kimberly McQuade, Medication Delivery Sales, Lawrence Guiheen, BioScience Executive; Linda Hettler, Medication Delivery Sales; Lori Sledzik, Medication Delivery Marketing; Michelle Norton, Medication Delivery Sales; Russell Benko, Medication Delivery Sales; Athanasius Dovas, Medication Delivery, Marketing; Judy Barrera, Medication Delivery, Marketing; and Anthony Nix, BioScience Finance and Accounting (BAX STATE S 0000001 – BAX STATE S 0018168);

(xvii) Documents from Baxter's archives files (BAX STATE S 0000001 – BAX STATE S 0027599); and

(xviii) Documents from Linda Hettler, Medication Delivery Sales; Nancy Fortunato, Medication Delivery Marketing; and Medication Delivery Customer Contract Files (BAX STATE S 0000001 – BAX STATE S 0018168).

By this letter we also produce to you for inspection, documents contained in our on-line repository. (See Letter from Merle M. DeLancey Jr. to Jeniphr A.E. Breckinridge, March 26, 2006). To access the repository, go to "www.lextranet.com,"

Ms. Jeniphr A.E. Breckenridge
June 1, 2006
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enter "Login," enter "Version 4 Login," enter User name "jeniphrb9709," and Password "j387b546" Additional user instructions are enclosed.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact us should you have any questions.

Sincerely,



Charles V. Mehler III

Enclosures

EXHIBIT 3

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 955-6674
E-Mail Address: MehlerC@dsmo.com

June 6, 2006

**VIA OVERNIGHT MAIL (with Enclosures)
AND FACSIMILE (without Enclosures)**

Ms. Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find two Hard Drives (BAX STATE E 0445746 – BAX STATE E 0687417 and BAX STATE E 0687418 – BAX STATE E 0737147) containing Baxter's production of documents in the above-referenced Montana and Nevada actions, which are being provided to you pursuant to Baxter's rolling production in response to the Plaintiffs' discovery requests in these cases. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: Daniel Brenner, Kevin Ellebrecht, Deyanira Giraldez, Marie Holmes, Patrick Holt, James Hrabovsky, Andrew Kaplan, Samantha Lee, Nicole Luikaart, Haleem Mady, Kevin Maxwell, Stacee McCrea, Peggy McNulty, Keith Murray, Thomas Notaro, Kimberly Peterson, Stephanie Polfus, and Keith Stanek (BAX STATE E 0445746 – BAX STATE E 0586124);

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Jane Brashaw, Judith Carnes, Jodie Ehler, Elizabeth Frontz, John Guedry, Pamela Hitchmoth, Christine Hoglund, Richard Hotzfeld, Janice Kann, Alan Kirgan, Nancy Laue, Kathryn Lefebvre, David Lynch, Cynthia Mandic, Matthew McGuire, Kimberly McQuade, Tamara Miller, Jennifer Mumma, Robert Munerance, Daniel Nagel, Michelle Niday, Michelle Norton, Hope Ptak, Raye Remback, Richard Rice, Brad Romike, Louis Rofrano Jr., Lori Rumer, Steven Spaudie Jr., and Brenda Stewart (BAX STATE E 0445746 – BAX STATE E 0586124);

(iii) Documents from Ann Blackwood, Government Affairs; Michael Bradley, BioScience Healthcare Economics and Reimbursement; Athanasius Dovas, Medication Delivery Marketing; David Drohan, Medication Delivery Executive; Bryant Gunnerson, BioScience Finance and Accounting; Cheryl Hoo Chung, Global Finance; Harry Kraemer, Corporate Services; Gordon Mazursky, Corporate Services; Michelle Michalak, BioScience Marketing;



Ms. Jeniphr A.E. Breckenridge
June 6, 2006
Page 2

Leslie Nelson, Medication Delivery Healthcare Economics and Reimbursement; Chad Ness, BioScience Finance and Accounting; Anthony Nix, BioScience Finance and Accounting; Jeffrey Nordquist, Medication Delivery Marketing; Elaine Peterson, BioScience Marketing; Jelena Popadic, BioScience Marketing; Alton Shader, BioScience Marketing; Tammy Siden, Global Supply Chain; and Gregg Tures, Corporate Services (BAX STATE E 0445746 – BAX STATE E 0586124);

(iv) Documents from the following Medication Delivery division sales representatives and other sales employees: Marie Borselle, Mike Buha, Joseph Darling, Ivan Forehand, Mark Haber, Marie Keeley, and Craig Prather (BAX STATE E 0586125 – BAX STATE E 0687417);

(v) Documents from Michael Bradley, BioScience Healthcare Economics and Reimbursement; Lawrence Guiheen, BioScience Executive; Bryant Gunnerson, BioScience Finance & Accounting; Scott Hippenstein, Medication Delivery Marketing; Michael Land, BioScience Sales; Nick Poulios, BioScience Clinical Affairs; Michelle Preifer Walbert, BioScience Marketing; and Juliana Reed, Medication Delivery Healthcare Economics and Reimbursement (BAX STATE E 0586125 – BAX STATE E 0687417);

(vi) Documents from the following BioScience division sales representatives and other sales employees: Jeffery Beck, Blaine Forshage, James Galante, Michael Land, Edward Langan, Peter O'Malley, and Rosalee Satterthwaite (BAX STATE E 0687418 – BAX STATE E 0737147);

(vii) Documents from the following Medication Delivery division sales representatives and other sales employees: Michael Buha, Wally Candelario, Michael Downey, Ivan Forehand, Mark Haber, Gregory Neier, Ronald Peters, Craig Prather, and Louis Rofrano Jr. (BAX STATE E 0687418 – BAX STATE E 0737147);

(viii) Documents from Paul Ashba, BioScience Legal; David Bond, BioScience Marketing; David Bonderud, Medication Delivery Executive; Kyle Bush, BioScience Marketing; Bernadette Connolly, BioScience Marketing; Sarah Creiston, Government Affairs; Suzanne Dawson, Legal; Sarah Gregg, Government Affairs; Lawrence Guiheen, BioScience Executive; Leslie Hoffman, Medication Delivery Sales and Marketing; Carolyn Kanter, BioScience Clinical Affairs; Michelle Kern, Legal; Jeffrey Nordquist, Medication Delivery Marketing; Juliana Reed, Healthcare Economics and Reimbursement; Pamela Rosenberg, Medication Delivery Marketing; Catherine Schrank, BioScience Operations; Denise Serewicz, Legal; John Shannon, BioScience Marketing; Jonathan Spear, Government Affairs; and Carl Wilt, Medication Delivery Finance and Accounting (BAX STATE E 0687418 – BAX STATE E 0737147); and

(ix) Network shared documents relating to Baxter pricing (BAX STATE E 0687418 – BAX STATE E 0737147).

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any

Ms. Jeniphr A.E. Breckenridge
June 6, 2006
Page 3

other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact us should you have any questions.

Sincerely,



Charles V. Mehler III

Enclosures

EXHIBIT 4

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 955-6674

E-Mail Address: MehlerC@dicksteinshapiro.com

June 7, 2006

VIA OVERNIGHT MAIL (with Enclosures)

Ms. Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find one hard drive containing BAX STATE S 0000001 – BAX STATE S 0027599. On June 1, 2006 we produced to you a hard drive containing TIFF images identical to the ones enclosed. However due to an error in production, some of image directories were missing. The following exports have been added to the enclosed production:

566 State001a_Tony Nix_Set_01
896 State002a_Med Delivery Contracts_Set_02
898 State002a_Nancy Fortunato_Set_01

Also enclosed, please find a cross-reference index of the full custodian names against how they appear in the image directory and in the image cross reference file. Because of character limitations, we had to abbreviate custodian names.

Please return this and all previously sent Hard Drives to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements.

Sincerely,



Charles V. Mehler III

Enclosures

DSMDB.2097256.01

1177 Avenue of the Americas • New York, New York 10036-2714
Tel (212) 835-1400 • Fax (212) 997-9880
www.legalinnovators.com



EXHIBIT 5

D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

2101 L Street NW • Washington, DC 20037-1526
Tel (202) 785-9700 • Fax (202) 887-0689
Writer's Direct Dial: (202) 955-6674
E-Mail Address: MehlerC@dsmo.com

June 19, 2006

VIA OVERNIGHT MAIL (with Enclosures)
AND FACSIMILE (without Enclosures)

Ms. Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find one Hard Drive (Bates BAX STATE E 0737148 - 0738602) containing a production of documents on behalf of Baxter in the above-referenced Montana and Nevada actions, which are being provided to you pursuant to Baxter's rolling production in response to the Plaintiffs' discovery requests in these cases. This Hard Drive includes data and documents from Blaine Forshage, BioScience Sales; Michelle Kern, Global Legal; Rose Lorella Medication Delivery Sales; Jennifer Rogers, BioScience Finance and Accounting; and Robert Rogers, BioScience Sales. Please return the Hard Drive to Dickstein Shapiro or send a check for \$300.00 for the cost of a replacement. A privilege log for today's production is forthcoming.

Baxter's production of documents to Montana and Nevada also includes and hereby incorporates the materials, marked BAX MDL E 2962308 through BAX MDL E 3386202, which are being produced today to Elizabeth A. Fegan in the MDL class-action pending before Judge Saris. The cover letter summarizing this MDL production is enclosed for your reference.

By making the productions referenced in this letter, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The materials are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's production efforts will continue on a rolling basis.

Please do not hesitate to contact us should you have any questions.

Sincerely,



Charles V. Mehler III

Enclosures



EXHIBIT 6

06/29/2006 06:47:45 PM

Patel, Shamir

(202) 887-0689

Page 1

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street, NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 955-6674

E-Mail Address: Mehler@dsml.com

June 29, 2006

**VIA OVERNIGHT MAIL (with Enclosures)
AND FACSIMILE (without Enclosures)**

Ms. Jeniphr A.E. Breckenridge
 HAGENS BERMAN SOBOL SHAPIRO LLP
 1301 Fifth Avenue
 Suite 2900
 Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find two Hard Drives (BAX STATE E 0738603 - 0738659) and (BAX STATE S 0027600 - 0037775) containing production of documents on behalf of Baxter in the above-referenced Montana and Nevada actions, which are being provided to you pursuant to Baxter's rolling production in response to the Plaintiffs' discovery requests in these cases.

Included in this production are the following:

- (i) Documents from Jennifer Sheline, Medication Delivery Sales (BAX STATE E 0738603 - 0738659);
- (ii) Documents from Baxter Medication Delivery Contract files; Cheryl Hoo Chung, Global Finance, Finance and Accounting; Chris Jackson, BioScience Finance and Accounting; Donna Kopera, BioScience, Operations; Michael Collins, BioScience Sales; Nancy Laue, Medication Delivery Sales; Ray Johnson, Corporate Services, Finance and Accounting; Ted Langan, BioScience Sales; Traci Santiago, BioScience Sales; Yolanda Sarpy, Medication Delivery Sales; and (BAX STATE S 0027600 - 0037775); and
- (iii) Documents from Baxter archive facilities (BAX STATE S 0027600 - 0037775).

Please return the Hard Drives to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements. A privilege log for today's production is forthcoming.

Baxter's production of documents to Montana and Nevada also includes and hereby incorporates the materials marked BAX MDL E 3386203 - 3402290 and BAX MDL S 0000001 - 0502246, which have been produced to Elizabeth A. Fegan in the MDL class-action pending before Judge Saris. The cover letters summarizing these MDL productions are enclosed for your reference.

1177 Avenue of the Americas • New York, NY 10036-2714
 Tel (212) 835-1400 • Fax (212) 997-9880
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2109039.01

06/29/2006 06:47:57 PM

Patel, Shamir

(202) 887-0689

Page 2

Ms. Jeniphr A.E. Breckenridge
June 29, 2006
Page 2

By making the productions referenced in this letter, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The materials are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's production efforts will continue on a rolling basis.

Please do not hesitate to contact us should you have any questions.

Sincerely,



Charles V. Meier III

Enclosures

EXHIBIT 7

DICKSTEIN SHAPIRO LLP

1825 Eye Street NW | Washington, DC 20006-5403
TEL (202) 420-2200 | FAX (202) 420-2201 | dicksteinshapiro.com

July 11, 2006

VIA OVERNIGHT MAIL

Ms. Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue
Suite 2900
Seattle, WA 98101

Re: State of Montana v. Abbott Labs., Inc., et al.
State of Nevada v. Abbott Labs., Inc., et al.

Dear Jeniphr:

Enclosed please find one Hard Drive (BAX STATE S 0037776 – 0077237) containing production of documents on behalf of Baxter in the above-referenced Montana and Nevada actions, which are being provided to you pursuant to Baxter's rolling production in response to the Plaintiffs' discovery requests in these cases. Enclosed is a cross-reference chart of the production names on the Hard Drive against the full custodian names.

Included in this production are documents from Baxter Medication Delivery Contract files; Credit Memos; Casey Listman, Medication Delivery Sales; Juliana Reed, Medication Delivery, Healthcare Economics and Reimbursement; Matthew Westbrock, BioScience Finance and Accounting; Chris Jackson, BioScience Finance and Accounting; Thomas Dinolfo, Corporate Service, Finance and Accounting; and documents from Baxter's archives facilities.

Please return the Hard Drive to Dickstein Shapiro or send a check for \$300.00 for the cost of a replacement. A privilege log for today's production is forthcoming.

Baxter's production of documents to Montana and Nevada also includes and hereby incorporates the materials, marked BAX MDL S 0502247 - BAX MDL S 0724629, which were produced to Elizabeth A. Fegan in the MDL class-action pending before Judge Saris. The cover letter summarizing this MDL production is enclosed for your reference.

By making the productions referenced in this letter, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The materials are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's production efforts will continue on a rolling basis.

DICKSTEIN SHAPIRO LLP

Please do not hesitate to contact us should you have any questions.

Sincerely,



Charles V. Mehler III

Enclosures